

REMARKS

Claims 1 to 16 are pending in this application. Claims 1, 14 and 16 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, claim 2 was rejected under §112. As shown above, claim 2 has been canceled. Accordingly, the rejection is rendered moot.

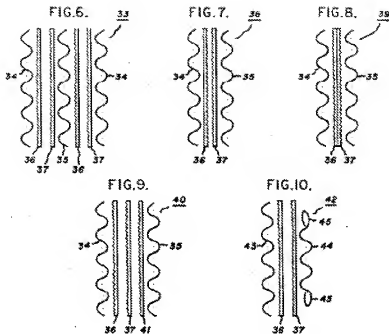
Turning to the art rejections, Independent claims 1, 14 and 16 were rejected over U.S. Patent No. 4,348,712 (Newcomb) and over U.S. Patent No. 4,439,812 (Chapman). The remaining dependent claims were rejected over Newcomb and/or Chapman, except for claim 13, which was rejected over these references each in combination with U.S. Patent No. 5,547,581 (Andelman). As shown above, the claims have been amended.

Independent claim 1 recites:

1. An electrode for use with an electrochemical cell having a liquid electrolyte, the electrode comprising:
a coated film containing channels that are capable of holding the liquid electrolyte, the coated film being on a surface of the electrode.

The applied art is not understood to disclose or to suggest at least the underlined portions of claim 1 above.

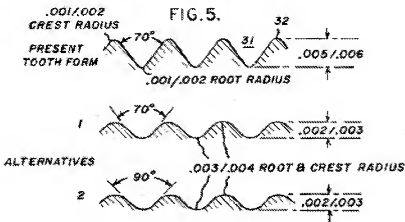
In this regard, Newcomb describes a capacitor containing embossed electrodes. As shown in its Figs. 6 to 10 below, an electrode includes “a pair of patterned or dimpled foils 34 and 35”.



As described in Newcomb, these patterns are embossed or raised in the foil itself. They are not a coated film containing channels. In this regard, the Office Action contends that the “hazy film” used in Newcomb constitutes evidence of “a film that defines the channels”.¹ However, as shown above, hazy film strips 36, 37 are not a coated film on a surface of an electrode, as required by claim 1.

Chapman likewise is not understood to disclose or to suggest a coated film on a surface of an electrode that contains channels for holding liquid electrolyte. Rather, Chapman, like Newcomb, describes channels that are formed by embossing or indenting a foil, as shown in Fig. 5 below.

¹ Office Action, page 3



For example, in column 3, line 15, the patentee describes using an indenting tool to form the flutes or channels in foil. The Office Action contends that the Fig. 1 shows evidence of “a film that defines the channels”.² However, the resin film strips of Fig. 1 are among electrodes, and are not a coated film on a surface of an electrode, as required by claim 1.

For at least the foregoing reasons, we submit that claim 1 is patentable over Newcomb, Chapman, or a combination of the two. Independent claims 14 and 16 include features similar to those of claim 1, and are also believed to be patentable over Newcomb, Chapman, or a combination of the two.

Dependent claim 13 recites:

13. The electrode of claim 1, wherein the coated film comprises a metal film coated with carbon powder, and wherein the carbon powder that is coated contains the channels.

² Office Action, page 4

Andelman was cited for its alleged disclosure of “activated carbon coated particles”.³ In this regard, Andelman describes a “high surface area conductive material” that

may comprise a wide variety of electrically conductive materials, alone or in combination, such as, but not limited to: activated carbon in particle, fiber, or mixtures thereof; activated carbon particles bonded or retained together with a binder material to form a continuous high surface area material...⁴

Thus, while Andelman does describe coated particles, it does not disclose or suggest a coated film that contains channels and that is on a surface of an electrode, much less that the coated film comprises a metal film coated with carbon powder.

Remaining dependent claims are also believed to define patentable features. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

³ Office Action, page 7

⁴ Andelman, col. 3, lines 40 et seq.

Applicants : Werner Erhardt, et al.
Serial No. : 10/542,712
Filed : March 14, 2006
Page : 10

Attorney's Docket No.: 14219-096US1
Client's Ref.: P2003,0024USN

In view of the foregoing amendments and remarks, we respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please charge any deficiency in fees or credit any overpayment to Deposit Account 06-1050 referencing Attorney Docket No. 22188-001001.

Respectfully submitted,

Monday, January 11, 2010
Date: _____

/Paul Pysher/

Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906